

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

Borneo Estrada AKA Borneo : Case No.: 20-21768
Estrada-Varela : Chapter 7
: Judge A. Benjamin Goldgar

Debtor.

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NOTICE OF MOTION

TO: See attached list.

PLEASE TAKE NOTICE that on April 2, 2021, at 11:00 a.m., I will appear before the Honorable Judge A. Benjamin Goldgar, or any judge sitting in that judge's place, and present a Motion for Relief from Stay, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 160 817 7512 and the password is 623389. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Fifth Third Bank, National Association

By: /s/Edward H. Cahill
Edward H. Cahill (0088985)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus OH 43216-5028

Contact email is ehc@manleydeas.com

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached motion upon the parties listed below, by causing same to be mailed in a properly addressed envelope, postage prepaid, on the below listed date, unless a copy was provided electronically by the Clerk of the Court.

Date 03/15/2021 _____ /s/Edward H. Cahill _____
Signature

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Ilene F Goldstein, ESQ, Law Offices of Ilene F. Goldstein, 950 Skokie Blvd, Ste 211,
Northbrook, IL 60062, ifgcourt@aol.com

David M Siegel, Attorney for Borneo Estrada AKA Borneo Estrada-Varela, David M. Siegel
& Associates, 790 Chaddick Drive, Wheeling, IL 60090, davidsiegelbk@gmail.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on March 15, 2021:

Borneo Estrada AKA Borneo Estrada-Varela, 1310 Almaden Lane, Gurnee, IL 60031

Denise Quimby, 21963 W. Park Dr., Lake Villa, IL 60046

Borneo Estrada AKA Borneo Estrada-Varela and Denise Quimby, 21963 W Park Drive, Lake
Villa, IL 60046

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Debtor. : Judge A. Benjamin Goldgar
: *****
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY (FIRST MORTGAGE)

Fifth Third Bank, National Association ("Creditor"), hereby moves the Court ("Motion"), pursuant to 11 U.S.C. § 362(d) to lift the automatic stay as to real property commonly referred to as 21963 W Park Drive, Lake Villa, IL 60046 ("Property"). In support of the Motion, the Creditor states the following:

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334 and General Rule 2.33 of the United States District Court for the Northern District of Illinois. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion are proper under 28 U.S.C. § 1408 and 1409.
2. Borneo Estrada AKA Borneo Estrada-Varela ("Debtor") filed a Chapter 7 case on December 19, 2020 ("Petition Date").
3. As of the Petition Date, the Creditor was the holder of a claim secured by the Property, more particularly described in the Mortgage ("Mortgage"), a copy of which is attached as Exhibit "A".

4. The above described Mortgage was given to secure a Note, ("Note"), dated July 3, 2013 and made payable to the Creditor in the original sum of \$143,450.00. A copy of the Note is attached hereto as Exhibit "B".
5. The Creditor perfected an interest in the Property, more particularly described in the Mortgage, recorded in the Lake County Recorder's Office on July 15, 2013. Evidence of perfection is attached as Exhibit "A".
6. As of March 5, 2021, the outstanding principal of the Note was \$121,320.16 and the outstanding interest was \$808.12.
7. The Property is burdensome and/or of inconsequential value and benefit to the estate. Cause exists to lift the automatic stay under 11 U.S.C. § 362(d)(1) and/or 362(d)(2) for these reasons:
 - a. Debtor has inconsequential equity in the Property. Creditor believes that the Property has a value of \$165,000.00 based on Schedule D, which is attached hereto as Exhibit "C". As of March 5, 2021, the estimated principal balance is \$121,320.16 with additional interest estimated at \$808.12, MI premium due estimated at \$224.74, fees estimated at \$60.00, less escrow/impound funds in the amount of \$224.74, totaling a secured claim of approximately \$122,188.28. The Creditor's secured total combined with the Debtor's claimed exemption from Schedule C in the amount of \$15,000.00 nearly exceeds the value of the Property. After the costs of sale and payment of all liens on the Property, there will be effectively no equity in this Property. Based upon the lack of equity in the Property, Creditor asserts that the Property is burdensome and/or of inconsequential value and benefit to the estate.

b. The Creditor is not being adequately protected. Per the Note and Mortgage, payments are applied to the last month due. Based on the foregoing, as of March 5, 2021, Debtor has failed to make periodic payments to Creditor since February 1, 2021 through March 2021.

WHEREFORE, Creditor prays for an Order Terminating the Automatic Stay of 11 U.S.C. § 362 of the Bankruptcy Code as to the Creditor and its principal, successors, heirs and assigns with respect to the subject property located at 21963 W Park Drive, Lake Villa, IL 60046. Additionally, Creditor requests the Fed.R.Bankr.P. 4001(a)(3) be waived so that the Order Terminating the Automatic Stay have immediate effect.

Respectfully submitted,

/s/Edward H. Cahill

Edward H. Cahill (0088985)
Todd J. Ruchman (6271827)
Keith Levy (6279243)
Sarah E. Barngrover (28840-64)
Adam B. Hall (0088234)
Stephen R. Franks (0075345)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus OH 43216-5028
614-220-5611; Fax: 614-627-8181
Attorneys for Creditor
The case attorney for this file is Edward H. Cahill.
Contact email is ehc@manleydeas.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay (First Mortgage) was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Ilene F Goldstein, ESQ, Law Offices of Ilene F. Goldstein, 950 Skokie Blvd, Ste 211, Northbrook, IL 60062, ifgcourt@aol.com

David M Siegel, Attorney for Borneo Estrada AKA Borneo Estrada-Varela, David M. Siegel & Associates, 790 Chaddick Drive, Wheeling, IL 60090, davidsiegelbk@gmail.com

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March 15, 2021:

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/s/Edward H. Cahill